

Enforcement Regulatory Changes

MCB

Slide One

- * 3 AAC 306.805 does not reference warnings. It only references inspection reports and notice of violation. Also potentially amend regulations to describe and define minor, intermediate, and serious violations,

Slide Two

- * There is no express regulatory provision for verbal warnings, but since enforcement may issue written notices, an argument can be made that authority not to issue written notices, but to provide only verbal warnings, is implied. Discuss costs and benefits of making express

- * Look at 3 AAC 306.805(c) Does this definition of advisory notice fit with the Board's intent? That is, is a potential violation worthy of an advisory notice or a verbal warning?

Slide Three

- * This description of an N.O.V. does not reflect the description of an N.O.V. in 3 AAC 306.805(d). Currently an N.O.V. can issue for any level of violation of AS 17.38, not just intermediate or serious violations

- * We would also need to define in regulation what an N.O.V. requires if we keep with the description here

Slide Four

- * 3 AAC 306.085 describes expressly when an informal conference is permitted for denying a license, renewal of a license, transfer of a license, or license conversion. To be consistent a new regulatory section should be created to create an

informal conference remedy for challenges to N.O.V.'s. Board may also want to create a regulation addressing what "an opportunity to appear before the board" under 3 AAC 306.805(d) shall contain.

Slide Five

- * Suspension and Revocation.

Slide Six

* Summary Suspension. Are there any other grounds for summary suspension the board wants to add? For example, denial of local business license to continue to operate (but consider appeal rights there,), etc.

Slide Seven

- * Seizure of plants and product. Seizure regulations recently revised.